

REMARKS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-8, drawn to a polyvinyl acetal chemical; and

Group II: Claims 9-14, drawn to a polymer blend of two different polyvinyl acetals.

Applicants have elected Group I, claims 1-8, drawn to a polyvinyl acetal chemical, with traverse.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the examiner if restriction is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (M.P.E.P. § 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing sufficient reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has categorized the relationships between Groups I and II as mutually exclusive species in an intermediate-final product relationship. Patentable distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (M.P.E.P. § 806.04(b), 3rd paragraph), and the species are patentably distinct (M.P.E.P. § 806.04(h)). The Examiner asserts that the intermediate product is useful as a primer in an optical lens, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants.

However, the Examiner has not provided any evidence that the specifically claimed polyvinyl acetal chemical is useful as a primer in an optical lens, or even established that a species relationship exists for the inventions. Therefore, the Examiner's reasoning is merely a restatement of the Examiner's conclusion that the two groups are patentably distinct. As

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the Examiner has provided insufficient reasons in support of this belief, the Examiner has not met the required burden.

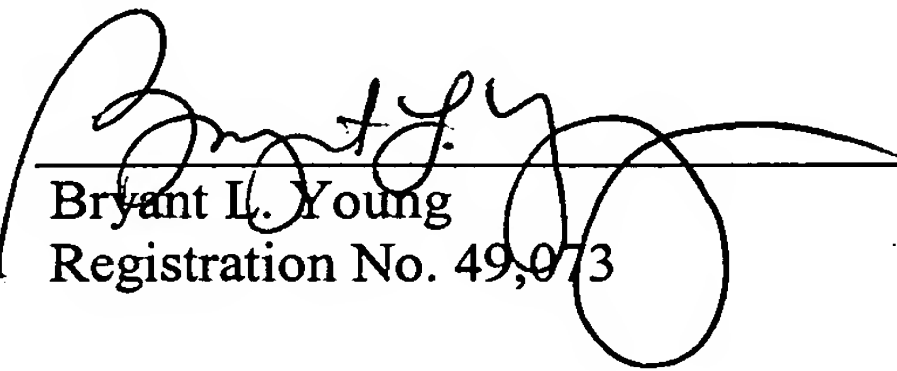
Accordingly, for at least the reason presented above, Applicants submit that the Examiner has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the requirement is respectfully requested.

Respectfully submitted,

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